

Customer No.: 31561
Application No.: 10/604,822
Docket No.: 11259-US-PA

REMARKS

Present Status of the Application

This is a full and timely response to the outstanding nonfinal Office Action mailed Dec. 20, 2006.

The Office Action has rejected claims 9-10 under 35 U.S.C. 112, 1st paragraph, as failing to comply with the enablement requirement. The Office Action has also rejected claims 5-6 and 11-12 under 35 U.S.C. 103(a) as being unpatentable over Asao et al. (US Patent 6,809,717, hereinafter Asao) in view of Watanabe (JP 11-109317, hereinafter Watanabe). The Office Action has also rejected claim 7 under 35 U.S.C. 103(a) as being unpatentable over Asao, Watanabe as applied to claim 5, and further in view of Kouri et al. (US Pub. No.: 2004/0071363, herein after Kouri). Further, the Office Action has objected claims 8 and 13 as being dependent upon a rejected base claim, but are indicated as allowable if rewritten in independent form. Further, the Office Action has objected the drawings under 37 CFR 1.83(a) and the specification.

After carefully considering the remarks set forth in this Office Action and the cited references, Applicant has amended claim 5 and 12. More specifically, Applicant has respectively integrated allowable subject matters of claims 8 and 13 into claims 5 and 12. Applicant has also canceled claims 8-10 without prejudice, waiver or disclaimer. Upon entry of the amendments in this response, claims 5-7, 11 and 12 remain pending in the present application. These amendments and additions are specifically described hereinafter. It is believed that the foregoing amendments and

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additions add no new matter to the present application.

Reconsideration and allowance of the application and presently pending claims are respectfully requested.

Objections to Drawings and Specification

The Office Action objected the drawings under 37 CFR 1.83(a) and the specification, because the Examiner believed that claimed subject matters presented in claims 9 and 10 were not shown in the drawings and/or described in the specification.

In response thereto, Applicant has canceled claims 9 and 10, thus rendering the objections moot.

Rejections Under 35 U.S.C. Section 112, First Paragraph

The Office Action rejected claims 9-10 under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement.

In response thereto, Applicant has canceled claims 9-10. As such, Applicant submits that the above rejections are moot.

Rejections Under 35 U.S.C. 103(a)

The Office Action rejected claims 5-6, and 11-12 under 35 U.S.C. 103(a), as being unpatentable over Asao et al (US Patent 6,809,717, hereinafter Asao) in view of Watanabe et al (JP 11-109317, hereinafter Watanabe).

In response to the rejection thereto, Applicant has integrated the allowable

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subject matter of claim 8 into claim 5 and the allowable subject matter of claim 13 into claim 12, which renders the rejections set forth above moot.

The Office Action rejected claim 7 under 35 U.S.C. 103(a), as being unpatentable over Asao et al (US Patent 6,809,717, hereinafter Asao) and Watanabe et al (JP 11-109317, hereinafter Watanabe) as applied to claim 5, and further in view of Kouri et al. (US Pub. No.: 2004/0071363, hereinafter Kouri).

If independent claim 5 is allowable over the prior art of record, then its dependent claim 7 is allowable as a matter of law, because claim 7 contains all of the features of its independent claim 5. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

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CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 5-7, 11, and 12 are in proper condition for allowance and an action to such effect is earnestly solicited. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Date :

March 15, 2007

Respectfully submitted,

Belinda Lee
Belinda Lee

Registration No.: 46,863

Jianq Chyun Intellectual Property Office
7th Floor-1, No. 100
Roosevelt Road, Section 2
Taipei, 100
Taiwan
Tel: 011-886-2-2369-2800
Fax: 011-886-2-2369-7233
Email: belinda@jcipgroup.com.tw
Usa@jcipgroup.com.tw